

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

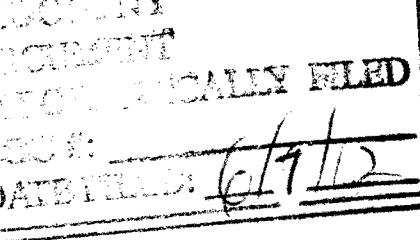
SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff,

-v-

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.



12 MC 115 (JSR)

In re:

ORDER

MADOFF SECURITIES

PERTAINS TO:

Picard v. Bonnie J. Kansler, 11 Civ.
8533 (JSR)

JED S. RAKOFF, U.S.D.J.

Defendant Bonnie Kansler has moved to withdraw the reference to the Bankruptcy Court of the adversarial proceeding brought against her by Irving H. Picard, the trustee appointed to liquidate the estate of Bernard L. Madoff Investment Securities, LLC pursuant to the Securities Investor Protection Act, 15 U.S.C. § 78aaa et seq. The Court's previous orders have resolved the majority of the issues raised by Kansler's motion. See Consent Order Regarding § 546(e) dated May 12, 2012; Order Regarding Antecedent Debt dated May 12, 2012; Order Regarding Stern v. Marshall dated April 13, 2012; Order

Regarding Internal Revenue Code Issues dated May 12, 2012. The Court directs the parties to continue according to the procedures outlined in those orders. Kansler also raises two issues on which the Court has previously declined to withdraw the reference: whether the Trustee must take a constant-dollar approach when calculating Kansler's profits; and whether the Trustee's fee arrangement deprives Kansler of her right to due process. See Picard v. Flinn Inv., LLC, 463 B.R. 280, 286-88 (S.D.N.Y. 2011). For the reasons stated in Flinn, the Court denies Kansler's motion to withdraw the reference on these two issues. The Clerk of the Court is hereby ordered to close item number 1 on the docket of 11 Civ. 8533.

SO ORDERED.



JED S. RAKOFF, U.S.D.J.

Dated: New York, New York

June 6, 2012